

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4858 OF 2003

HES Kamgar Hitverdhak Mandal

..... Petitioner

Versus

HES Ltd. And Ors.

....Respondents.

Mr. P.C. Kansara, instructed by Mr. S.R. Nargolkar, for the petitioner.

Ms. S. Srikrishna, instructed by M/s. Bachubhai Munim & Company, for respondent Nos. 2 and 5.

Mr. Suresh Kumar for respondent Nos. 6 and 7.

Mr. D.A. Dubey for respondent No.8.

CORAM: **KSHITIJ R. VYAS, C.J. &**
DR. D.Y. CHANDRACHUD, J.

DATE: **APRIL 17, 2006.**

P.C.

In this writ petition, the petitioner-union has prayed for directions to respondent Nos. 6 and 7 viz. Central Provident Fund Commissioner and Regional Provident Fund Commissioner to take action against respondent Nos. 1 to 5 as contemplated under the provisions of the Employees' Provident Fund and Miscellaneous

Provisions Act, 1952.

2. Mr.Suresh Kumar, learned counsel appearing for respondent Nos. 6 and 7, by placing on record parawise comments given by respondent No.7, states that action has been taken and respondent No.7 has in fact issued six recovery certificates for the amount of Rs.16,14,333/- . He has further stated that respondent No.7 has issued demand notice to the defaulters and also notice before arrest in the prescribed form to the concerned Directors and has assessed liability of provident fund dues for an amount of Rs.54,08,836/- for the period between July, 1996 and May, 1999. It may be stated that this Court has appointed a Liquidator in a case and the affairs are now with the Liquidator before whom the claim has been filed for Rs.16,14,333/-. This Court has directed not to dispose of the property and to safeguard the interest of the workers. The learned counsel further states that the Provident Fund authorities shall lodge appropriate claim before the Liquidator in the event of further claims, if any.

3. In view of the above, we are fully satisfied with the steps taken by respondent Nos. 6 and 7. We do not see any substance in the petition and the same is accordingly disposed of.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.